

UNITED STATES DISTRICT COURT
FOR DISTRICT OF SOUTH CAROLINA

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2:19-cv-01786-RMG-BM

Robert T. Samuel III

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Charleston, SC 29417

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Plaintiff,

v.

U.S. Department of State

2201 C St NW

Washington, DC 20520

Defendant.

COMPLAINT FOR INJUNCTIVE RELIEF

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552, to order the production of agency records concerning the ‘Cuba Condition’ which defendant has improperly withheld from plaintiff.

2. This court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B).

3. Plaintiff, Robert T. Samuel III, is a private citizen and is the requester of the records which defendant is now withholding. Plaintiff has requested this information for personal purposes as they believe the events that lead up to the 'Cuba Condition' are similar to events that affected them while living in Clemson, SC in Spring 2015.

4. Defendant, the U.S. Department of State, is an agency of the United States and has possession of the documents that plaintiff seeks.

5. By letter dated February 25, 2018, plaintiff requested access to records detailing evaluation(s), and/or, tests performed on person(s) afflicted with the 'Cuba Condition' pertaining to 'electromagnetic pulses,' electromagnetic fields (EMF), and analysis or reports related to the 'Cuba Condition' as it relates to mechanisms that yield the same results as an EMF. A copy of this letter is attached as Exhibit 1.

6. By letter dated April 16, 2018, plaintiff did request mediation from the Office of Government Information Services (OGIS) in regards to the FOIA request with the defendant. A copy of this letter is attached as Exhibit 2.

7. By letter dated May 1, 2018, defendant acknowledged receipt of request but stated that they could not process the request as plaintiff had not reasonably described the record(s) requested and defendant requested that plaintiff provide a 'date range' so as facilitate a search. A copy of this letter is attached as Exhibit 3.

8. By letter dated May 18, 2018, defendant did modify the original FOIA request by providing a date range so as to narrow the scope of the search. A copy of this letter is attached as Exhibit 4.

9. By letter dated June 28, 2018 defendant acknowledged receipt of modified request and

assignment of tracking number of F-2018-04133 and assigning the request into the 'complex category.' A copy of this letter is attached as Exhibit 5.

10. By letter dated October 16, 2018, plaintiff did again request mediation from the Office of Government Information Services (OGIS) in regards to the FOIA request with the defendant. A copy of this letter is attached as Exhibit 6.

11. By e-mail dated February 15, 2019 OGIS acknowledged receipt of plaintiff's request for assistance. Furthermore, OGIS stated that upon contacting defendant that they were unable to provide a date of completion of plaintiff's request. A copy of this e-mail is attached as Exhibit 7.

12. Plaintiff has a right of access to the requested information under 5 U.S.C. § 552(a)(3), and there is no legal basis for defendant's denial of such access.

WHEREFORE, plaintiff requests this Court:

- (1) Order defendant to provide access to the requested documents;
- (2) Expedite this proceeding as provided for in 28 U.S.C. § 1657;
- (3) Award plaintiff costs in this action, as provided in 5 U.S.C. § 552(a)(4)(E); and
- (4) Grant such other and further relief as may deem just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert T. Samuel III", written over a horizontal line.

Robert T. Samuel III

P.O. Box 32311, Charleston, SC 29417

Dated: 6/22/2019